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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/200,853	11/30/1998	YASUHIRO YAMAMOTO	P17029	9849

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EXAMINER

GHEE, ASHANTI

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 04/10/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/200,853

Applicant(s)

YAMAMOTO, YASUHIRO

Examiner

Ashanti Ghee

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 1 is missing reference element R. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: remove additional "of" on page 12, line 17.

Appropriate correction is required.

Claim Objections

3. Claim 12 is objected to because of the following informalities: "an" on page 22, line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirai et al. (US Patent Number 5,315,403).

Regarding claim 1, Hirai discloses an image reading device (inherent in column 2, lines 63-65) comprising: a housing (inherent in column 2, line 66); a reading processor that optically reads an image recorded on a recording material sheet to generate an image (column 3, lines 4-7); an image data transmitting processor that can transmit said image data externally to a peripheral device (column 3, lines 33-38); an image data recording processor that can record said image data in a recording medium mounted in said housing (column 5, lines 31-36); a recording operation determination processor that determines, based on a state of said recording medium, whether a recording operation of said image data recording processor is possible (column 5, lines 39-51); and a control processor that, when said recording operation determination processor determines that said recording operation is impossible, prohibits said recording operation and allows said image data transmitting processor to transmit said image data to said peripheral device (column 5, lines 51-59).

Regarding claim 2, Hirai discloses a device further comprising a display device that indicates said recording operation is prohibited when said recording operation determination processor determines that said recording operation is impossible (column 6, lines 42-45).

Regarding claim 3, Hirai discloses a device wherein said recording operation determination processor determines whether said recording operation is possible (column 5, lines 39-45) based on whether said recording medium is mounted in said housing.

Regarding claim 4, Hirai discloses a device wherein said recording operation determination processor determines whether said recording operation is possible based on a remaining recordable volume of said recording medium (column 6, lines 3-9).

Regarding claim 5, Hirai discloses a device wherein said recording operation determination processor determines whether said recording operation is possible based on a formatting state of said recording medium (column 5, lines 39-45).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai et al. (US Patent Number 5,315,403) in view of Moronaga et al. (US Patent Number 5,473,370).

Regarding claim 6, Hirai does not specifically disclose a device wherein said recording operation determination processor determines whether said recording operation is possible based on a type of said recording medium.

However, Moronaga discloses a device wherein said recording operation determination processor determines whether said recording operation is possible based on a type of said recording medium (column 9, lines 36-42).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would combine the teachings of Moronaga and Hirai due to both disclosing an image reading device to greatly simplify the operation for the user.

Regarding claim 7, Hirai does not specifically disclose a device wherein said recording medium comprises a memory card. However, Moronaga discloses a device wherein said recording medium comprises a memory card (column 24, lines 24-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would include the teachings of Moronaga due with the teachings of Hirai due to both disclosing an image reading device to greatly simplify the operation for the user.

Regarding claim 8, Hirai does not disclose a device wherein said memory card comprises a PC card. However, Moronaga discloses a device wherein said memory card comprises a PC card (column 24, lines 24-26).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would include the teachings of Moronaga with the teachings of Hirai due to both disclosing an image reading device to greatly simplify the operation for the user.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai et al. (US Patent Number 5,315,403) in view of Suzuki (US Patent Number 6,347,162).

Regarding claim 9, Hirai does not disclose a device wherein said recording medium comprises a magneto-optical disc. However, Suzuki discloses a device wherein said recording medium comprises a magneto-optical disc (column 7, lines 35-37).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would include the teachings of Suzuki with the teachings of Hirai due to both disclosing image reading devices to provide prompt and simple operation.

Claim Rejections - 35 USC § 102

9. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Hirai et al. (US Patent Number 5,315,403).

Regarding claim 10, Hirai discloses a device wherein said recording medium comprises a magnetic disk (column 3, lines 26-29).

Claim Rejections - 35 USC § 103

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai et al. (US Patent Number 5,315,403) in view of Yoshiura et al. (US Patent Number 5,854,693).

Regarding claim 11, Hirai does not specifically disclose a device wherein the peripheral device comprises a computer. However, Yoshiura discloses a device wherein said peripheral device comprises a computer (column 52, lines 3-7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made would include the teachings of Yoshiura with the teachings of Hirai to provide a visible image in a short period of time.

Claim Rejections - 35 USC § 102

11. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Hirai et al. (US Patent Number 5,315,403).

Regarding claim 12, Hirai discloses an image reading device (inherent in column 2, lines 63-65) comprising: means for optically reading an image recorded on a recording material sheet to generate image data (column 3, lines 4-7); means for

transmitting said image data to a computer provided externally to said image reading device (column 3, lines 33-38); means for recording said image data in a recording medium mounted on said image reading device (column 5, lines 31-36); means for determining, based on a state of said recording medium, whether a recording operation of said image data recording processor is possible (column 5, lines 39-51); and means for controlling said transmitting means and said recording means, said control means prohibiting said recording operation and allowing said image data transmitting means to transmit said image data to said computer when said determining means determines that said recording operation is impossible (column 5, lines 51-59).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goto et al. (US Patent Number 5,986,773) discloses a picture reading apparatus.

Hara et al. (US Patent Number 5,675,422) discloses a facsimile apparatus.

Nishiyama et al. (US Patent Number 6,067,168) discloses a shared memory image forming system.

Norris et al. (US Patent Number 4,656,525) discloses an electronic imaging copier that produces enhanced photographic copies of photographs.

Okazaki et al. (US Patent Number 5,745,220) discloses an image frame selecting apparatus for a photographic printer.

Okazaki et al. (European Patent Number 0724189 A1) discloses an image frame selecting apparatus for a photographic printer.

Kurose (US Patent Number 4,953,230) discloses a document image processing system for correcting the skew of an optically read document image.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashanti Ghee whose telephone number is (703) 306-3443. The examiner can normally be reached on Monday-Friday (7AM - 4PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7455 for regular communications and (703) 746-7455 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Ashanti Ghee
Examiner
Art Unit 2622

ag
March 26, 2002


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